

ASSIGNED

AMENDED

No. 56883

**APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA**Date of filing in State Engineer's Office OCT 29 1991Returned to applicant for correction DEC 02 1991Corrected application filed DEC 09 1991Map filed DEC 09 1991 under 56763The applicant USMX, INC.P.O. Box 809 of Ely
Street and No. or P.O. Box No. City or TownNevada 89301, hereby make 5 application for permission to appropriate the public
State and Zip Code No.waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.) Incorporated July 19, 1982 in
the State of Nevada1. The source of the proposed appropriation is Underground Sources - Mooney Well No. 2
Name of stream, lake, spring, underground or other source2. The amount of water applied for is 2 cfs second-foot
One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet.

3. The water to be used for Mining, Milling and Domestic
Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.

4. If use is for:

(a) Irrigation, state number of acres to be irrigated.

(b) Stockwater, state number and kinds of animals to be watered.

(c) Other use (describe fully under No. 12. "Remarks")

(d) Power:

(1) Horsepower developed.

(2) Point of return of water to stream.

5. The water is to be diverted from its source at the following point in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, T.23N.,
Describe as being within a 40-acre subdivision of public
R.58E., M.D.B.&M., whence the Northwest Corner of said Section 18 bears N. 64°
survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.
46' 22" W., 3,545.25 feet distant.6. Place of use See Attached List
Describe by legal subdivision. If on unsurveyed land, it should be so stated.7. Use will begin about January 1 and end about December 31, of each year.
Month and Day Month and Day8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Drilled well with pump and motor and piped or
State manner in which water is to be delivered, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.
hauled within the proposed place of use.

9. Estimated cost of works \$30,000

10. Estimated time required to construct works five years
If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use ten years

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

This application will be used to service the applicant's mining operations at a consumptive rate of 2 cfs, 24 hours per day, 365 days per year, for an annual use of 471,810,096 gallons. Please see the attached letter from USMX, Inc. for additional information.

By s/Richard W. Forman

Richard W. Forman Agent

P.O. Box 150

Ely, Nevada 89301

Compared bc/bc jr/bk

Protested 2/19/92 by, U.S. Dep. of the Interior, National Park Service:

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins or before the Proof of Completion of Work is filed.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

(CONTINUED ON PAGE 2)
The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 2.0 cubic feet per second, but not to exceed 472.0 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before March 12, 2000

Proof of completion of work shall be filed before April 12, 2000

Application of water to beneficial use shall be filed on or before March 12, 2003

Proof of the application of water to beneficial use shall be filed on or before April 12, 2003

Map in support of proof of beneficial use shall be filed on or before N/A

Completion of work filed.....

Proof of beneficial use filed.....

Cultural map filed.....

Certificate No. Issued.....

IN TESTIMONY WHEREOF, R. MICHAEL TURNIPSEED, P.E.
State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 12th day of March,

A.D. 1998

[Signature]
State Engineer

Abrogated By: 69735 1.0
70239 1.0

The total combined duty of water under Permits 55495, 55496, 55497 and 56883 shall not exceed 708.0 million gallons annually.

The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

Item 6. Place of Use:

T.23 N., R.57 E., M.D.B. & M.

Section No. 1: All
 Section No. 12: All
 Section No. 13: All

T.23 N., R.58 E., M.D.B. & M.

Section No. 5: W $\frac{1}{2}$
 Section No. 6: All
 Section No. 7: All
 Section No. 18: All

T.24 N., R.57 E., M.D.B. & M.

Section No. 11: SE $\frac{1}{4}$
 Section No. 12: S $\frac{1}{2}$
 Section No. 13: All
 Section No. 14: E $\frac{1}{2}$, SW $\frac{1}{4}$
 Section No. 15: S $\frac{1}{2}$
 Section No. 22: All
 Section No. 23: All
 Section No. 24: All
 Section No. 25: All
 Section No. 26: All
 Section No. 27: All
 Section No. 35: NE $\frac{1}{4}$
 Section No. 36: All

T.24 N., R.58 E., M.D.B. & M.

Section No. 7: S $\frac{1}{2}$
 Section No. 8: SW $\frac{1}{4}$
 Section No. 17: W $\frac{1}{2}$
 Section No. 18: All
 Section No. 19: All
 Section No. 20: W $\frac{1}{2}$
 Section No. 29: W $\frac{1}{2}$
 Section No. 30: All
 Section No. 31: All
 Section No. 32: W $\frac{1}{2}$

